

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 844 of 1997

in

MISC. CIVIL APPLICATION No.1980 Of 1996

in

SPECIAL CIVIL APPLICATION No 3108 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and sd/-

MR.JUSTICE M.C.PATEL sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

BAVISHI BRIQUTTING INDUSTRIES

Versus

UNION OF INDIA

Appearance:

MR TH SOMPURA for Appellant

Mr.J.C. Sheth for respondents.

CORAM : MR.JUSTICE C.K.THAKKER and

MR.JUSTICE M.C.PATEL

Date of decision: 17/03/99

ORAL JUDGEMENT(Per C.K.Thakkar,Actg.C.J.):

Admitted. Mr.J.C. Sheth appears and waives

service of notice of admission for the respondents.

In the facts and circumstances of the case, the matter is taken up for final hearing today.

This appeal is filed against dismissal of Misc.Civil Application No.1980 of 1996 by the learned Single Judge. When the main matter, i.e. Special Civil Application No.3108 of 1982 came up for final hearing, it was dismissed by the learned Single Judge on the ground that the petitioner's Counsel was not present. Misc.Civil Application was also dismissed. Mr.J.C. Sheth, learned Counsel for the respondents, fairly stated that in the facts and circumstances if the matter is restored to file, he has no objection.

In the circumstances, Letters Patent Appeal is allowed. Special Civil Application No.3108 of 1982 is restored to file. The learned Single Judge will now decide the said matter on its own merits.

Letters Patent Appeal is accordingly allowed. No order as to costs.
